

TIRED HORSE BUTTE
WELL AND TROUGH

DECISION RECORD

EA OR-025-04-04

INTRODUCTION: Following a 15-day comment period of the Tired Horse Butte Well and Trough Environmental Assessment (EA) OR-025-04-04 the Three Rivers Field Office of the Bureau of Land Management is issuing a decision for the implementation of this well and trough on the Three Rivers Resource Area of the Burns District. The decision is to implement the proposed action of the EA.

DECISION: Having considered a range of alternatives and associated impacts and based on the analysis in the Tired Horse Butte Well and Trough EA, it is my decision to implement the proposed action which establishes criteria and objectives for developing these water distribution projects in the Three Rivers Resource Area.

Rationale for Decision: I have selected the proposed action for the following reasons:

The proposed action improves upland range conditions by increasing livestock distribution and thereby reducing concentration.

It maintains a winter use grazing system that is beneficial to improvement of upland range conditions.

It provides water for both livestock and wildlife during periods of reduced natural water.

Based on past experience there is a high likelihood for success.

I did not receive any negative comments during the Finding of No Significant Impact (FONSI)/EA review period. I received one comment supportive of the proposed action.

It is in conformance with Section 7(a)1 of the Endangered Species Act.

It is in compliance with the Three Rivers Resource Management Plan (1992).

It is in compliance with Federal laws that mandate the management of public land resources (Federal Land Policy and Management Act of 1976).

The decision does not result in any undue or unnecessary environmental degradation.

I have also considered alternatives to the proposed action including:

Alternative 1 - No Action: This alternative proposed no installation of this project. I did not select this alternative because it was not responsive to improving the conditions in the habitat types that are identified in the purpose and need of the EA.

I also considered the continued practice of hauling water. The permittee's cooperation in the funding of these projects and the improved location of the water source is a valid reason to implement the proposed action.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is filed, your notice of appeal must be filed in the Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738 by December 26, 2003. The appellant has the burden of showing that the decision appealed is in error.

If you wish to file a petition, pursuant to regulation 43 CFR 4.21, for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. A petition for stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether or not the public interest favors granting the stay.

Joan M. Suther
Three Rivers Resource Area Field Manager

Date